IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISIDICTION

CONTEMPT PETITION NO.332 OF 1998
IN
CONTEMPT PETITION NO. 361 OF 1997

Shri.Siddhappa Dhondappa Kamshetti, Age Adult, Occ: Agri. residing at Majrewadi, Tal.North Solapur Solapur 413001 ..Petitioner

Vs.

1. The State of Maharashtra

2. Shri.Karun Shrivastava Additional Chief Secretary (Home), Govt. of Maharashtra, Mantralaya, Mumbai-32

3. Shri.Arvind Inamdar, Director General of Police, Maharashtra State Mumbai-400001

4. Shri.Dumbare, Commandant, State Reserve Police Force, Group No.10 Soregaon, Solapur, 413001

5. Shri.Apurva Chandra, Collector of Solapur Solapur 413001

6. Smt.Gunde, Dy.Collector & Competent Authority, Solapur Urban Agglomeration, Solapur-413001

7. Shri.M.R.Suravase, Special Land Acquisition Officer No.1, Collector Compound, Solapur 413001

8. Shri.Shinde, Special Land Acquisition Officer No.5, Collector Compound, Solapur

413001]..Respondents

....

None for Petitioner
Mr.A.H.Palekar A.G.P. for Respondent Nos. 1 to 8

....

CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 18,2005

ORAL JUDGEMENT:

1. Writ Petition No. 1075 of 1997 came to be decided by this Court on 30.9.1998 and subsequently, Contempt Petition No. 361 of 1997 was filed alleging that the order dated 30.9.1998 passed in Writ Petition No. 1075 of 1997 was wilfully disobeyed. The respondents were directed to issue fresh notification under Section 4 of the Land Acquisition Act, 1894 within a period of three months to complete the acquisition proceedings by paying compensation to the respective land holders within a total period of nine months as per the order dated 2.2.1998. This period of nine months was to commence from the date of the decision i.e. 2.2.1998. The petitioner alleges that inspite of the specific directions issued by this Court, the land acquisition proceedings were not concluded and therefore, there was wilful breach of the order passed by this Court.

2. Be that as it may, Mr.M.M.Shaikh, Awwal Karkun from the office of the Special Land Acquisition

Officer No.V, Solapur has filed affidavit in reply. It has been stated inter alia that the acquisition proceedings were required to be concluded by 2.11.1998 as per the order passed by this Court. However, Civil Application was filed for extension of time by six months i.e. upto May, 1999. This application remained on the file and no orders were passed nor was it rejected. However, in the meanwhile, on 30.10.1998, a letter was issued to the petitioner to receive 80% of the amount of the Award by way of advance i.e. Rs. 5 lakhs and it appears that the petitioner refused to accept the same. An undertaking was also given in the said affidavit in reply that the proceedings were completed by 30.5.1999. The affidavit was filed on or about 8.12.1998.

3. There is no case made out for holding the respondents guilty of wilful disobedience of the orders passed by this Court in Contempt Petition No.361 of 1998 as well as Writ Petition No. 1075 of 1997. Hence, Contempt Petition is dismissed. Rule discharged.

[B.H.MARLAPALLE,J.]